

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: Elizabeth A Ursin

)	17 B 37415
)	
)	
Debtor(s))	Judge Goldgar

NOTICE OF FILING AND CERTIFICATE OF SERVICE

Elizabeth A Ursin
710 Fieldstone Court
Lake Zurich, IL 6004789

Benjamin Brand LLP
1016 W Jackson Blvd
Chicago, IL 60607

Please take notice that on February 23, 2018 I have filed this Reply in support of the Trustee's Motion to Examine Fees. This matter is set for status on March 9, 2018 at 10:30 am at the North Branch Court, 1792 Nicole Lane, Round Lake Beach, IL 60073.

I certify that this office caused a copy of this notice to be delivered to the above listed debtor by depositing it in the US Mail and to debtor's attorney via the Court's CM/ECF system on February 23, 2018.

/s/
Glenn Stearns, Trustee

REPLY IN SUPPORT OF TRUSTEE'S MOTION TO EXAMINE FEES

Now Comes Glenn Stearns, Chapter 13 Trustee, in support of the Trustee's Motion to Examine Fees, states the following:

1. The trustee's objection to fees is based primarily on the fact that a cursory review of the schedules in the debtor's prior case would have shown she was not eligible to file a Chapter 13.
2. A review of the claims docket in the prior case would have shown priority and general unsecured claims totaled \$1,265,215.

3. Mr. Benjamin points out that the docket text for #45, the order dismissing the case makes reference only to failure to make all plan payments.
4. The trustee's motion to dismiss (Doc 44) was titled "Motion to Dismiss for Ineligibility and Failure to Make all Required Plan Payments".
5. Had Mr. Benjamin looked just one line higher he would have seen the following text associated with the trustee's motion to dismiss (Doc 44):

Notice of Motion and Motion to Dismiss Debtor Ineligibility, Notice of Motion and Motion to Dismiss Debtor for Failure to Make Plan Payments Filed by Glenn B Stearns Hearing scheduled for 10/20/2017 at 11:00 AM at North Branch Court (Round Lake Beach) 1792 Nicole Lane, Round Lake Beach, IL 60073. (Attachments: # 1 Proposed Order) (Stearns, Glenn) (Entered: 10/13/2017)

6. Had he looked just a few lines above that, he would have seen Michael Desmond's motion to file a late proof of claim.
7. Paragraphs 36, 37 and 38, on page 7 of Mr. Benjamin's response appear to show that Mr. Benjamin and his client were surprised by the claim filed by Michael Desmond, "The Debtor initially indicated she knew nothing about it and was never served, and that was the reason it was not scheduled she said".
8. The creditor matrix (Doc 1 page 28) in the debtor's first case, 17 B 13765 did not list Klaucens and Associates or Chapter 7 Trustee Michael K. Desmond.
9. The creditor matrix (Doc 1 pages 13-18) in the present case does list Klaucens and Associates and Chapter 7 Trustee Michael K. Desmond.
10. It appears from the creditor matrix Mr. Benjamin prepared in the current case that he did in fact know about the claim of Michael K. Desmond / Klaucens & Associates.
11. If the purpose of filing this case was to protect in excess of \$300,000 in equity in the debtor's home, a motion to extend the automatic stay beyond 30 days should have been filed no later than December 29, 2017. No such motion was filed.

12. Whether the debtor had a legitimate need for bankruptcy relief or not, there is no question that the debtor should have never filed under Chapter 13 and the legal services provided in the filing of this case were of no value.

Wherefore, the Trustee prays that the court find the services of Kevin Benjamin are without value, that any fee request be denied in its entirety, that the court order disgorgement of all previously paid fees, or such other and further relief as this court deems proper.

Respectfully submitted;
Glenn Stearns, Chapter 13 Trustee

_____/s/_____
By: Glenn Stearns

Glenn Stearns, Chapter 13 Trustee
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